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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,989	10/26/2001	Haig Michael Zadikian	M-9838-1P US	8593

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CAMPBELL STEPHENSON ASCOLESE, LLP
4807 SPICEWOOD SPRINGS RD.
BLDG. 4, SUITE 201
AUSTIN, TX 78759

EXAMINER

PHAM, BRENDA H

ART UNIT PAPER NUMBER

2616

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,989

Applicant(s)

ZADIKIAN ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-228 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,20-24,28,39-43,47,58-62,66,77-79,115-117,153-155 and 191-193 is/are rejected.
- 7) ☒ Claim(s) 6-8,10-19,25-27,29-38,44-46,48-57,63-65,67-76,80-114,118-152,156-190 and 194-228 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-228 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77, 78-79, 115-117, 153, 154-155, 191, 192, 193 are rejected under 35 USC 102(b) as being anticipated by Fite, Jr. (US 4,993,015).

Claims 1, 9, 20, 28, 39, 47, 58, 66, 77, 115, 153, 191, Fite, Jr. discloses a method, computer system and computer program product for communicating information regarding a failure comprising (see figure 1 and 4): generating failure information (402 of figure 4), wherein said failure affects a virtual path, said virtual path is between a first node and a second node, a first zone comprises said first node, and a second zone comprises said second node (column 3, line 30-40).

Claims 2, 3, 21-22, 40-41, 59, Fite, Jr. further teach wherein said failure information comprises a zone identifier; determining said zone identifier by identifying a zone in which said failure has occurred (404).

Claims, 4-5, 23-24, 42-43, 60-62, 78-79, 116-117, 154-155, 192, 193, Fite, Jr. further teach wherein said failure information comprising an action code (515, 516 of figure 6).

Allowable Subject Matter

4. Claims 6-8, 10-19, 25-27, 29-38, 44-46, 48-57, 63-65, 67-76, 80-114, 118-152, 156-190, 194-228 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 02/06/06 have been fully considered but they are not persuasive. Applicant argued in the REMARKS, page 36 that "The cited section of Fite does not describe a first zone that comprises a first node or a second zone that comprises a second node." Examiner respectfully disagrees because Fite, Jr. indeed teaches this limitation. The claim limitation cited "a first zone comprises said first node and a second zone comprises said second node" (see claim 1). According to figure 1, each node 101 is a zone comprises a node, such as, a first zone 101-1 comprises a first node 101-1 and a second zone 101-2 comprises a second node 101-2. Applicant further argued that Fite, Jr. does not teach a zone identifier, examiner respectfully disagree. The zone identifier in Fite, Jr. is simply a node identifier. Examiner respectfully believes Fite, Jr. teach the above arguable limitation. Therefore, the rejection stands.

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

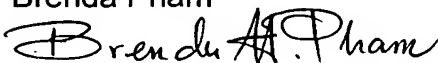
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matar Ahmad, can be reached on (571) 272-7488.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

March 27, 2006

Brenda Pham



**BRENDA PHAM
PRIMARY EXAMINER**